

A
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TO

Amend the Law relating to Tolls at Fairs and Markets
in Ireland.

A.D., 1896.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act shall apply to Ireland only.

*Application
of Act.
Short title.*

2. This Act may be cited for all purposes as the Tolls at Fairs and Markets (Ireland) Act, 1896.

3. Where in any town in Ireland the right to hold fairs or markets in or near such town, or the right to impose, charge, or collect
10 tolls in, at, or in respect of any such fair or market, is vested in any person, other than the local authority in such town, such local authority may purchase such right from such person.

Local authority may purchase tolls.

4. For the purpose of any such purchase the Lands Clauses Acts (so far as same are applicable) shall be incorporated with this Act,
15 provided as follows; that is to say,

Regulations as to purchase.

(1.) In the construction of the said Acts the word "lands" therein shall for the purposes of this Act be deemed to include any such right as aforesaid.

20 (2.) Where under the provisions of the said Acts and this Act any such right is purchased otherwise than by agreement, the arbitrator appointed under the said Acts shall ascertain, so far as is possible, the average net amount received under or in respect of such right for the five years immediately prior to the date of the purchase; and in estimating the price or compensation to be paid by the local authority in respect of such
25 purchase shall have regard to such amount only.

5.—(1.) The expenses incurred by the local authority in the execution of this Act shall be defrayed and defrayable out of the rate or rates leviable by them.

Borrowing powers of local authority.

[Bill 26.]

A.D. 1890.

(2.) The local authority may, for the purpose of defraying such expenses, borrow or re-borrow and take up at interest any sums of money necessary for defraying any such expenses on the credit of the rate or rates leviable by them; and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they 5 may mortgage to the person or persons by or on behalf of whom such sums are advanced such rate or rates, or the tolls acquired by them under this Act.

(3.) The money may be borrowed for such time, not exceeding *sixty years*, as the local authority may determine, and the local 10 authority shall either pay off the moneys so borrowed by equal annual instalments of principal, or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum 15 as will, with accumulations in the way of compound interest, be sufficient after payment of all expenses to pay off the moneys so borrowed within the period fixed for the repayment of the loan.

Power of
Board of
Works to
lend to local
authority.

6. *Where under this Act a local authority is authorised to borrow any sum or sums of money, the Commissioners of Public Works 20 in Ireland may, with the consent of the Commissioners of Her Majesty's Treasury, advance any such sum or sums on loan to such authority on the securities which such authority is by the provisions of this Act authorised to give, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of 25 three and a half per centum per annum, or such other rate as may in the judgment of the Commissioners of Her Majesty's Treasury be necessary in order to enable the loan to be made without loss to the Exchequer.*

Right of
local authority
to collect
tolls and
to hold fair
or market.

7. A local authority which under the provisions of this Act has 30 acquired any such right as aforesaid may exercise such right in the same manner and subject to the same conditions as the person from whom such right was purchased: Provided that the local authority may change the place in which any such fair or market is held, and may hold any such fair or market in any place where same may by 35 law be held.

Tolls collected
by local authority,
how disposed of.

8. All sums received, levied, or collected by a local authority in the exercise of any such right, acquired by them as aforesaid shall be disposed of in the following manner; that is to say,

- (a.) (Firstly) to defray the expenses of collection, and subject 40 thereto
(b.) (Secondly) to defray the interest and instalments of principal

or sinking fund payable in respect of any moneys borrowed in pursuance of the provisions of this Act, and subject thereto A.D. 1838.

- (c.) (Thirdly) to defray any expenses incurred in promoting or improving any such fair or market or the interests of same, or in providing a suitable place for the holding of same, or in altering or improving such place, and subject thereto
- 5 (d.) (Fourthly) in relief of the rates leviable by such local authority.

9. In this Act, if not inconsistent with the context, the following Interpreta-
tion of terms.

10 terms have the meanings herein-after respectively assigned to them; (that is to say.)

"Local authority" means the town council of any town corporate, commissioners appointed by virtue of an Act passed in the ninth year of His Majesty King George the Fourth, intitled "An Act to make provision for the lighting, clearing, and watching of cities and towns corporate and

15 "market towns in Ireland in certain cases," and any municipal town commissioners or township commissioners appointed under any general or local Act.

20 "Town" includes "city," and means any town or city having a local authority.

"Person" includes any body of persons, whether corporate or unincorporate.

25 "Lands Clauses Acts" means and includes the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; and the Railways Act (Ireland), 1864; and any Act amending the said Acts.

30 "Tolls" includes any charge or sum leviable on or payable by any person in respect of the sale or the exposing for sale by him of any commodity or thing at any fair or market.

Fairs and Markets
(Tolls) (Ireland).

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To amend the Law relating to Tolls at Fairs and Markets in Ireland.

(Prepared and brought in by
Mr. Benton, Mr. Haydon, Mr. Harris,
Mr. J. P. O'Brien, Mr. Chace, and
Mr. James McCorty.)

*Ordered, by The House of Commons, to be Printed,
32 January 1836.*

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[Bill 206.]